appointment of commissioners for this purpose and they are required to hold enquiry, take evidence and submit reports. No definite rules exist as to the valuation of properties or improvements thereon. In British India, the items and principles of valuation are laid down in detail by Madras Act I of 1900. The High Court will be requested to consider whether the adoption of those provisions in this State is necessary and feasible.

86. Entrusting commission orders of civil courts for valuation of improvements to respectable citizens of the locality for execution.

Mr. N. Narayanan Karthavu (*Shertallay*) remarked that the present practice was to entrust the clerks of courts with the execution of these orders and this was very undesirable.

Reply.—Stringent and detailed rules on the subject have been laid down by the High Court. It would be well not to entrust court employés with the execution of any commission orders whatever. In British India, the rules exclude the employment of court officials for this purpose. The desirability of appointing others than court employes for commission work will be suggested to the High Court.

87. Desirability of doing away with the production of encumbrance certificates from Sub-registrars' offices and affidavits for execution of decrees.

Mr. K. Padmanabhan Tampi (*Taluk Association, Kalkulam*) said that encumbrance certificates had to be produced in civil courts, but no proper arrangements had been made in Sub-registrars' offices for expeditiously granting them, though fees were charged for the purpose. In some cases, the certificate only recorded that the party said the property was not encumbered and failed to certify that the fact was so. In such instances, the courts attached no value to them. He prayed that the production of these certificates might be dispensed with.

Mr. Narayanan Madhavan Karthavu (*Shertallay*) said that the concession granted recently on the representation made at the last session of the Assembly did not fully relieve all practical difficulties. The certificates were still required to be produced in the case of properties worth above Rs. 250 and this continued to be felt by the parties as an inconvenience. He requested that encumbrance certificates might be dispensed with in all cases.

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Mr. Krishnan Narayanan (Ampalapuzha) prayed that parties might be exempted from the production of not only encumbrance certificates but also affidavits, before immovable property is sold in execution of a civil decree.

Reply.—I regret I have to differ from the opinions of the members who have now spoken as to the desirability or necessity of encumbrance certificates. This is a matter that has a tripartite effect. It affects the judgment-debtor, the decree-holder and the auction-purchaser. In properties whose value is large, the auction-purchaser is likely to have a margin in spite of all encumbrances, but where the value of the property is inconsiderable, he is bound to be a loser unless he previously satisfies himself as to the nature of the encumbrances on the property he intends purchasing. It is not likely that the judgment-debtor will disclose all the encumbrances though it is to his interest that the property should be sold for a proper price as otherwise the burden will not be lightened, and unless the decree-holder furnishes a correct or at least an approximate idea of the prior history of the property, no one is likely to come forward to bid at the auction. As Sir Barnes Peacock said many years ago, the difficulties of a suitor really begin with execution, and hence the courts rightly call upon the creditor who holds the decree to present intending purchasers with some idea as to the nature of the property, in order that the highest possible amount may be realized. The decree-holder is of course directly interested in this. If, therefore, these certificates are not insisted on, the result will be endless litigation, irremovable chaos, and uncertainty and loss in the auction sale. Government are of opinion that these certificates are necessary and their production cannot be dispensed with altogether. In regard to the limit, the present amount of Rs. 250 seems sufficiently high and does not admit of any further extension.

As regards the delay in the sub-registrars' offices complained of, the Director of Registration will be asked to see that all applications for encumbrance certificates are promptly attended to.

88. Publication by Government of statistics relating to (1) the number of Marumakkathayam suits annually filed in each court and (2) the number of sales, mortgages and hypothecations executed by Marumakkathayees.

Mr. P. Kesava Pillai, B. A., B. L., (Quilon) requested the publi-

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